

Docket Number: 251 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Olson et al)
International Application No: PCT/US96/16934)
International Filing Date: 23 October 1996)
Priority Date: 23 October 1995)
For: Hemoglobin Mutants That Reduce)
Heme Loss)

Group No.: Unknown

Examiner: Unknown

ATTN: EO/US

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date 4/23/98 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number E1640268159US addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Linda M. Leggett
(type/print name of person mailing paper)

(Signature of person mailing paper) 

Assistant Commissioner for Patents
Washington, DC 20231

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are stated below next to my name. I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Hemoglobin Mutants That Reduce Heme Loss

the specification of which was transmitted to the U.S. Patent and Trademark Office by the International Bureau in the Notice mailed on 01 May 1997 (PCT/IB/308) for PCT Application No. PCT/US96/16934 filed on 23 October 1996.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) listed below, in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIORITY CLAIM

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that are listed below:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:					
U.S. APPLICATIONS		U.S. FILING DATE (M/D/Y)	PATENTED	PENDING	ABANDONED
60/006,020		23.10.95		..	✓
PCT APPL. No.	PCT FILING DATE (M/D/Y)	U.S. SERIAL # (if any)	PATENTED	PENDING	ABANDONED
PCT/US96/16934	23.10.96			✓	

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Theresa A. Brown, Registration Number 32547

SEND CORRESPONDENCE TO:

Theresa A. Brown
Somatogen, Inc.
2545 Central Avenue
Suite FD1
Boulder, CO 80301

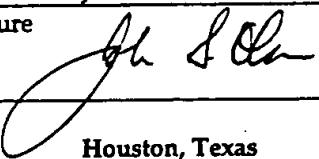
DIRECT TELEPHONE CALLS TO:

Theresa A. Brown
(303) 541-3356
(303) 444-3013 (facsimile)

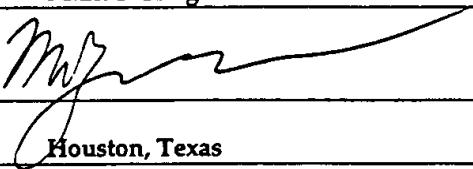
DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

Full name of sole or first inventor John S. Olson	
Inventor's signature 	Date 4/8/98
Residence Houston, Texas	
Citizenship United States	
Post Office Address 4407 Lymbar, Houston, Texas 77096-4418	

Full name of second joint inventor Timothy L. Whitaker	
Inventor's signature 	Date 4/13/98
Residence San Antonio	
Citizenship United States	
Post Office Address 5303 Hamilton Wolf Road, Apartment 720, San Antonio, Texas 78229	

Full name of third joint inventor Mark S. Hargrove	
Inventor's signature 	Date 4/8/98
Residence Houston, Texas	
Citizenship United States	
Post Office Address 3311 Elmridge Drive, Houston, Texas 77025	

This declaration ends with this page.

CCKT 5/10/00



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

BXTB2024
JF
2000

JULY 19, 2000

PTAS

BAXTER HEALTHCARE CORPORATION
PAT KOPPELMAN
25212 WEST STATE ROUTE 120, RLP-30
ROUND LAKE, ILLINOIS 60073

RECEIVED

JUL 31 2000



101388338A



PP

FENWAL/PATENT LAW



09/05/00

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

CORRECTED
NOTICE

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/22/2000

REEL/FRAME: 010629/0729
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

OLSON, JOHN S.

DOC DATE: 10/22/1999

ASSIGNEE:

WHITAKER, TIMOTHY L.

DOC DATE: 01/28/2000

ASSIGNEE:

HARGROVE, MARK S.

DOC DATE: 02/04/2000

ASSIGNEE:

WILLIAM MARSH RICE UNIVERSITY /
6100 MAIN STREET
HOUSTON, TEXAS 77005

SERIAL NUMBER: 09051872 /
PATENT NUMBER:

FILING DATE: 04/22/1998 /
ISSUE DATE:

JK

010629/0729 PAGE 2

DOROTHY RILEY, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RJ

ET



101388338

To the Honorable Commissioner of

Original document(s) or copy thereof.

1. Name of conveying party(ies) (assignor(s)):

John S. Olson
 Timothy L. Whitaker
 Mark S. Hargrove

Additional name(s) of conveying party(ies) attached? yes no

2. Name and Address of Party(ies) receiving an interest (assignee(s)):

Name: William Marsh Rice University

Address: 6100 Main Street

City: Houston

State: Texas Zip: 77005

Country: USA

Additional name(s) & address(es) attached? yes no

3. Nature of Conveyance:

Assignment Merger Change of Name

Verified Translation Security Agreement Other _____

Execution Date: 10/22/99; 1/28/00 and 2/4/00

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date(s) of the application is: _____

A. Patent Application No(s).

B. Patent No(s).

09/051,872

Others on additional sheet(s) attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Pat Koppelman (docketing)
 Baxter Healthcare Corporation
 25212 West State Route 120, RLP-30
 Round Lake, Illinois 60073

6. Total number of applications and patents involved:
 Application(s) 1 + Patent(s): 0 = Total 1

7. Total Fee (37 CFR 3.41) \$ 40.00 Enclosed Authorized to be charged to deposit account

8. Deposit Account Number: 19-1345
 (Duplicate copy of this sheet attached)
 Charge any underpayment or credit any overpayment to
 above Deposit Account

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Kathleen M. Petrillo
 Name of Person Signing

Signature

2-15-00

Date

Total number of pages including cover sheet, attachments, and document:

SENNIGER, POWERS, LEAVITT & ROEDEL
ATTORNEYS AT LAW

U.S. PRO
654688
09/05/00

FRANK R. AGOVINO
DERICK E. ALLEN
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SCOTT A. WILLIAMS

FACSIMILE 314-214-4341
<http://www.senniger.com>

PATENTS, TRADEMARKS, COPYRIGHTS
AND RELATED MATTERS

OF COUNSEL
IRVING POWERS
DONALD G. LEAVITT
RICHARD G. HEYWOOD
ROBERT J. LEWIS

STUART N. SENNIGER
(1921-1997)

June 19, 2000

7

Application of Olson, et al. Art Unit 1653
Serial No. 09/051,872
Filed April 22, 1998
For HEMOGLOBIN MUTANTS THAT REDUCE HEME LOSS
Examiner K. Carlson

U.S. Patent and Trademark Office
Assignment Division
Box Assignments
CG-4, 1213 Jefferson Davis Highway
Suite 320
Washington, D.C. 20231

Re: Our File BSP1-5319 (BXTB 2024)

Sir:

* The enclosed copy of the Notice of Recordation of the Assignment document regarding the above-identified application shows the assignor as Mark S. Hargrove incorrectly.

The correct information is:

Mark S. Hargrove

Please send us a corrected copy of the Notice of Recordation.

Sincerely,



Kathleen M. Petrillo

KMP/caa
*Enclosure

ASSIGNMENT

WHEREAS, We John S. Olson of Houston, Texas, Timothy L. Whitaker of San Antonio, Texas and Mark S. Hargrove of Houston, Texas, have invented an improvement in HEMOGLOBIN MUTANTS THAT REDUCE HEME LOSS (File BSP1-5319L (BXTB 2024)) and have executed an application for a United States patent based thereon Serial No. 09/051,872;

AND, WHEREAS, William Marsh Rice University of Houston, Texas, a corporation of the State of Texas (hereinafter referred to as "ASSIGNEE") is desirous of acquiring certain rights thereunder;

NOW, THEREFORE, for one dollar and other good and valuable consideration, receipt of all of which is hereby acknowledged, we have agreed to and do hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said invention, said United States application, any other United States applications (including provisional, non-provisional, divisional, continuing, or reissue applications) based in whole or in part on said United States application or in whole or in part on said invention, any foreign applications based in whole or in part on any of the aforesaid United States application or

in whole or in part on said invention, and any and all patents (including extensions thereof) of any country which have been or may be granted on any of the aforesaid applications or on said invention or any part thereof;

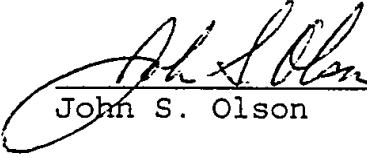
TO BE HELD AND ENJOYED by said ASSIGNEE, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us had no sale and assignment of said interest been made;

AND We hereby authorize and request the Commissioner of Patents of the United States of America to issue any and all United States patents which may be granted upon said United States applications or any of them, or upon said invention or any part thereof, to said ASSIGNEE;

AND We hereby jointly and severally agree for ourselves and for our respective heirs, executors and administrators, to execute without further consideration any further lawful documents and any further assurances, and any provisional, non-provisional, divisional, continuing, reissue, or other applications for patents of any country, that may be deemed necessary by said ASSIGNEE fully to secure to said ASSIGNEE its interest as aforesaid in and to said invention or any part thereof, and in and to said several patents or any of them;

AND We hereby jointly and severally covenant for ourselves and our respective legal representatives that we have granted no right or license to make, use or sell said invention, to anyone except said ASSIGNEE, that prior to the execution of this deed our right, title and interest in said invention had not been otherwise encumbered, and that we have not executed and will not execute any instrument in conflict herewith.

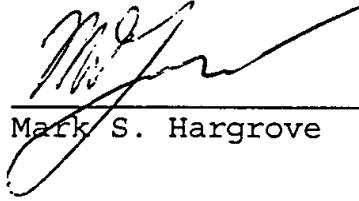
IN WITNESS WHEREOF, we have hereunto set our hands.



John S. Olson



Timothy L. Whitaker



Mark S. Hargrove

ACKNOWLEDGMENT

STATE OF Texas)

)

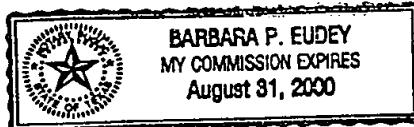
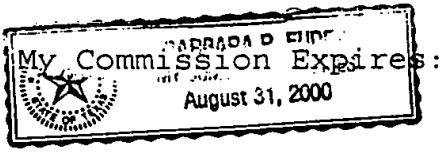
COUNTY OF Harris)

)

On this 27 day of October, 1999, before me, a Notary Public, personally appeared John S. Olson to me known to be the person described in and who executed the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the date and year last above written.

Barbara P. Eudey
Notary Public



STATE OF Texas)

)

COUNTY OF Bexar)

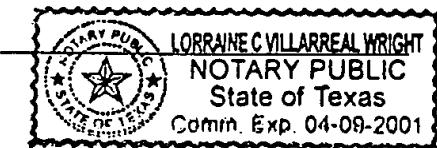
)

On this 28 day of January, ²⁰⁰⁰ 1999, before me, a Notary Public, personally appeared Timothy L. Whitaker to me known to be the person described, in and who executed, the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and the date and year last above written.

Lorraine C Villarreal Wright
Notary Public

My Commission Expires:



STATE OF Iowa)
)
COUNTY OF Polk -)

On this 4th day of Feb., ²⁰⁰⁰ before me, a Notary Public, personally appeared Mark S. Hargrove to me known to be the person described, in and who executed, the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and the date and year last above written.

Reresa L. Peterson
Notary Public

My Commission Expires:

June 20, 2000

FEE TRANSMITTAL

JCE841 U.S. PTO
09/654688
09/05/00



Application Number (to be assigned)
Filing Date September 5, 2000
First Named Inventor Olson
Group Art Unit (to be assigned)
Examiner Name (to be assigned)
Attorney Docket Number BSP1-5319L CONT (BXTB 3083)

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345, in the name of Senniger, Powers, Leavitt & Roedel.
- The Commissioner is hereby authorized to charge any additional filing and claim fees under 37 CFR 1.16 and application processing fees under 37 CFR 1.17 to Deposit Account No. 19-1345, in the name of Senniger, Powers, Leavitt & Roedel.
2. Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345, in the name of Senniger, Powers, Leavitt & Roedel.

FEE CALCULATION

1. BASIC FILING FEE \$ 690.00 (Type: Continuation)
Entity Status: Large

2. CLAIM FEE \$ _____

Total Claims _____
Independent Claims _____
Multiple Dependent Claims _____

3. ADDITIONAL FEES \$ _____

- Surcharge - late filing fee or oath
- Surcharge - late provisional filing fee or cover sheet
- Extension for reply within _____ month
- Notice of Appeal
- Filing a Brief in Support of an appeal
- Request for Reexamination
- Petitions to the Commissioner
- Submission of Information Disclosure Statement
- Recording each patent assignment per property
- Other: _____

TOTAL AMOUNT OF PAYMENT \$ 690.00

Kathleen Petrillo
Kathleen M. Petrillo, Reg. No. 35,076

9-5-00

Date

BSP1-5319L CONT(BXTB 3083)
PATENT

JC841 U.S. PRO
09/654688
09/05/00

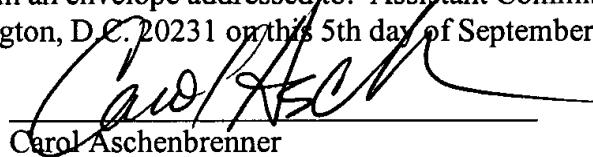
Respectfully submitted,



Kathleen M. Petrillo, Reg No. 35,076
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

CERTIFICATE OF MAILING

I hereby certify that the foregoing Preliminary Amendment in the application of Olson, et al. "Hemoglobin Mutants that Reduce Heme Loss," is being deposited with the United States Postal Service as Express Mail #EL069686645US in an envelope addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on this 5th day of September, 2000.



Carol Aschenbrenner

5319L
(B-13 2024)
PATENT

311420
Rev Power
Olson
JC941 U.S. PRO
09/654688
09/05/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Olson, et al.
Serial No. 09/051,872-~~664,688~~
Filed April 22, 1998
For HEMOGLOBIN MUTANTS THAT REDUCE HEME LOSS

Art Unit 1646

POWER OF ATTORNEY BY ASSIGNEE OF
ENTIRE INTEREST AND REVOCATION OF
PRIOR POWERS AND PERMITS TO INSPECT

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,

SIR:

William Marsh Rice University, assignee of the entire right, title and interest in and to the invention of the above application, hereby revokes and cancels all existing powers of attorney in the above-entitled application and appoints C. Steven McDaniel, Reg. No. 33,962 and Elizabeth Hall, Reg. No. 37, 344 of McDaniel & Associates, P.C., located at 710 Colorado, Suite 4H, Austin, Texas 78701, and telephone number 281-414-4922, or their duly appointed associate, attorneys in said application, with full power of substitution, revocation and addition, to prosecute this application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office in connection therewith.

Correspondence is to be directed to the firm of Senniger, Powers, Leavitt & Roedel, One Metropolitan Square, 16th Floor, St. Louis, Missouri 63102.

The undersigned hereby revokes and cancels all existing permits to inspect the official file of the above-entitled application.

Date: 10/18/99

By Ol' Banbreau

Name: D.S. Boudreax

Title: Director, Office of Technology Transfer

Date: 10/21/99

J. L. N.

~~John S. Olson, Inventor~~

Date: 1/28/00

Henry W. Whigham

Timothy L. Whitaker, Inventor

Date: 2/4/88

Mark S. Hargrove Inventor

Mr. J. H. Hargrove, Inverness